

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

In re: Andrew Koteles

Bankruptcy No. 17-23972-JAD

Andrew Koteles,
Movant,

Chapter 13

v.

Docket Document No.
Related to DD No. 148

Pennsylvania Department of Revenue, Steve
and Linda Levandowsky, Internal Revenue
Service, and Ronda J. Winnecour, Chapter 13
Trustee,
Respondents

**ORDER CONFIRMING CHAPTER 13 SALE OF PROPERTY
FREE AND DIVESTED OF LIENS**

AND NOW, this 5th day of January, 2022, on consideration of the *Debtor's Motion/Complaint for Sale of Property Free and Divested of Liens* to *Top Notch Automotive, LLC* for \$400,000, after hearing held electronically via Zoom, this date, the Court finds:

(1) That service of the *Notice of Hearing* and *Order* setting hearing on said *Motion/Complaint* for private sale of real property free and divested of liens of the above named Respondents, was effected on the following secured creditors whose liens are recited in said *Motion/Complaint* for private sale, viz:

DATE OF SERVICE

NAME OF LIENOR AND SECURITY

11/4/2021	Washington County Tax Claim Bureau ATTN: Debbie Bardella, Director 95 W. Beau Street Suite 525 Washington, PA 15301 Sent via First-Class Mail <i>Tax Liens, if any</i>
11/4/2021	Steve and Linda Levandosky c/o Neil Marcus, Esq. P.O. Box 652 Monongahela, PA 15063

	Sent via first-class mail
11/4/2021	Internal Revenue Service PO Box 7346 Philadelphia, PA 19191-7346 Sent via first-class mail <i>Federal Tax Lien</i>
11/4/2021	Merrick P. Garland, Attorney General of the United States 950 Pennsylvania Avenue, NW Washington, DC 20530-0001 Sent via first-class mail <i>Federal Tax Lien of IRS</i>
11/4/2021	Office of the U.S. Attorney, W.D.Pa. U.S. Post Office and Courthouse 700 Grant Street, Suite 4000 Pittsburgh, PA 15219 Sent via First Class Mail <i>Federal Tax Lien of IRS</i>
11/4/2021	Commonwealth of Pennsylvania Department of Revenue Department 280946 Harrisburg, PA 17128-0946 Sent via First Class Mail <i>Pennsylvania tax lien</i>
11/4/2021	Ronda J. Winnecour, Chapter 13 Trustee Suite 3250, U.S. Steel Building 600 Grant Street Pittsburgh, PA 15219 Sent via first-class mail

(2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of service filed and that the named parties were served with the Motion/Complaint.

(3) That said sale hearing was not advertised pursuant to W.P.A.L.B.R. 6004-2, and a stipulation between the debtor and the Chapter 13 Trustee has been served on all parties pursuant to W.P.A.L.B.R. 6004-2.

(4) That at the sale hearing the highest/best offer received was that of the above Purchaser(s) and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of \$400,000 offered by Top Notch Automotive, LLC was a full and fair price for the property in question.

(6) That the Purchaser(s) has acted in good faith with respect to the within sale

in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d. 143 (3d Cir. 1986).

NOW THEREFORE, it is hereby **ORDERED, ADJUDGED AND DECREED** that the sale by Special Warranty deed of the real property described as 6231 Route 88, Union Township, Washington, PA 15332, as well as certain equipment therein, is hereby **CONFIRMED** to Top Notch automotive, LLC for \$400,000, free and divested of the above recited liens and claims, and, that the Movant/Plaintiff is authorized to make, execute and deliver to the Purchaser(s) above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

IT IS FURTHER ORDERED that the liens, claims and interests of all Respondents, including but not limited to Steve and Linda Levandosky, the Internal Revenue Service, and the commonwealth of Pennsylvania Department of Revenue, be, and they hereby are divested from the property being sold, if and to the extent they may be determined to be valid liens against the sold property, and transferred to the proceeds of sale, and that the within decreed sale shall be free, clear and divested of said liens, claims and interests;

FURTHER ORDERED that after due notice to the claimants, lien creditors, and interest holders, and no objection on their parts having been made or, if made, resolved/overruled, the incidental and related costs of sale and of the within bankruptcy proceeding, shall be paid in advance of any distribution to said lien creditors.

It is **FURTHER ORDERED**, that the following expenses/costs shall immediately be paid at the time of closing. *Failure of the Closing Agent to timely make and forward the disbursements required by this Order will subject the Closing Agent to monetary sanctions, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order.*

- (1) The following lien(s)/claim(s) and amounts: Steve and Linda Levandosky, totaling \$57,607.46,
- (2) Delinquent real estate taxes, if any;
- (3) Current real estate taxes, pro-rated to the date of closing;
- (4) The costs of local newspaper advertising in the amount of \$N/A;
- (5) The costs of legal journal advertising in the amount of \$N/A;
- (6) The Court approved realtor commission in the amount of \$N/A;
- (7) Costs advanced by Debtor's Counsel totaling \$588;
- (8) Court approved attorney fees in the amount of \$N/A;
- (9) Chapter 13 Trustee "percentage fees" in the amount of \$ 1,257.21
payable to "Ronda J. Winnecour, Ch. 13 Trustee, P.O. Box 2587, Pittsburgh, PA. 15230";
- (10) All other necessary settlement fees and closing costs chargeable to the Debtor, totaling \$ n/a;
- (11) Payment of the following liens/claims, in the order provided:
 1. Payment of the claim of Commonwealth of Pennsylvania up to \$366.90;
 2. Payment of the claim of the Internal Revenue Service up to

\$3,340.73;

- (12) The “net proceeds” from the closing as identified on the HUD-1, if any, to the Chapter 13 Trustee payable to “*Ronda J. Winnecour, Ch. 13 Trustee, P.O.Box 84051, Chicago, IL 60689-4002*”;
- (13) Other: After the Chapter 13 Trustee has paid all priority and unsecured creditors in full, the remaining balance refunded to the Debtor.

It is **FURTHER ORDERED** that:

- (1) The Movant/Plaintiff shall serve a copy of the within *Order* on each Respondent/Defendant (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the Purchaser, and the attorney for the Purchaser, if any, and file a Certificate of Service.
- (2) ***Closing shall occur within thirty (30) days of this Order.***
- (3) ***Within seven (7) days following closing***, the Movant/Plaintiff shall file a ***Report of Sale*** which shall include a copy of the HUD-1 or other Settlement Statement; and,
- (4) This *Sale Confirmation Order* survives any dismissal or conversion of the within case.



sjk

Jeffery A. Deller, Judge
United States Bankruptcy Court

FILED
1/5/22 3:37 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

In re:
Andrew Koteles
Debtor

Case No. 17-23972-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Jan 05, 2022

User: dkam
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 07, 2022:

Recip ID	Recipient Name and Address
db	+ Andrew Koteles, 130 Demar Boulevard, Canonsburg, PA 15317-2216

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 07, 2022

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 5, 2022 at the address(es) listed below:

Name	Email Address
Anthony T. Kovalchick	on behalf of Creditor Office of Attorney General Pennsylvania Department of Revenue akovalchick@attorneygeneral.gov
Brian Nicholas	on behalf of Creditor JPMC Specialty Mortgage LLC bnicholas@kmlawgroup.com
Christopher P. Furman	on behalf of Creditor Steve Levandosky cpfurman@gmail.com
Christopher P. Furman	on behalf of Creditor Linda Levandosky cpfurman@gmail.com
Jill Locnikar	on behalf of Creditor United States of America Department of the Treasury Internal Revenue Service jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov;caseview.ecf@usdoj.gov;kassi.horton@usdoj.gov
Joshua I. Goldman	

District/off: 0315-2

User: dkam

Page 2 of 2

Date Rcvd: Jan 05, 2022

Form ID: pdf900

Total Noticed: 1

on behalf of Creditor JPMC Specialty Mortgage LLC jgoldman@kmlawgroup.com angelica.reyes@padgettlawgroup.com

Justin P. Schantz

on behalf of Debtor Andrew Koteles jschantz@my-lawyers.us
colecchia542@comcast.net;office@my-lawyers.us;sshipley@my-lawyers.us;jmonroe@my-lawyers.us;skerr@my-lawyers.us

Kevin Scott Frankel

on behalf of Creditor JPMORGAN CHASE BANK N.A pabk@logs.com, logsecf@logs.com

Neil J. Marcus

on behalf of Creditor Linda Levandosky neiljmarcus@comcast.net

Neil J. Marcus

on behalf of Creditor Steve Levandosky neiljmarcus@comcast.net

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com Equitablebankruptcy@peoples-gas.com

TOTAL: 13